

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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FRANK J. VOTTA and )  
LYNN E. VOTTA, )  
                        )  
Plaintiffs,         )  
                        )  
v.                     )                      C.A. No. 05-11133-WGY  
                        )  
AMERIPATH MORTGAGE CORP., )  
                        )  
Defendant.         )  
                        )

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**DEFENDANT AMERIPATH MORTGAGE CORPORATION'S  
NOTICE OF WITHDRAWAL OF MOTION TO DISMISS**

Now comes defendant Ameripath Mortgage Corporation and withdraws its Motion to Dismiss, previously filed with the Court, on grounds of mootness.

Respectfully submitted,

AMERIPATH MORTGAGE CORPORATION,

By its attorneys,

*/s/ Andrew C. Glass*

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Dated: September 22, 2005

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2005, I served a true copy of the foregoing document by electronic filing upon the following:

Christopher M. Lefebvre  
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/s/ Andrew C. Glass  
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